

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

In Re:

LaDONNA HUMPHREY
Debtor

Case No. 5:19-bk-72555
Ch. 7

MOTION FOR APPROVAL OF SALE PURSUANT TO 11 U.S.C. § 363
AND NOTICE OF OPPORTUNITY TO OBJECT AND OVERBID

Bianca Rucker, the duly-appointed and acting Trustee for the above-captioned estate (“Trustee”), by and through her attorney, for her Motion for Approval of Sale Pursuant to 11 U.S.C. § 363, and Notice of Opportunity to Object and Overbid (“Motion”), respectfully states:

1. On September 19, 2019, the Debtors filed a voluntary, Chapter 7 bankruptcy proceeding, and Bianca Rucker was appointed Trustee.
2. The Debtors’ 341(a) meeting was held and concluded on October 21, 2019.
3. The Trustee has received an offer to buy certain claims and causes of action that are property of the bankruptcy estate in this case: Absolute Pediatric Services, Inc. d/b/a Absolute Pediatric Services (“Absolute”) has offered to pay to Bianca Rucker, Bankruptcy Trustee for the LaDonna Humphrey for the benefit of the bankruptcy estate, a total of twelve thousand five hundred dollars (**\$12,500.00**) (“Purchase Price”), to be paid within fourteen (14) days of an entry of an order approving this Motion, for the purchase and assignment to them of all claims and potential claims that LaDonna Humphrey may have that are part of the estate, except as stated herein. Such claims include but are not limited to:

1. Any and all claims including appeals, and specifically Ms. Humphrey’s counterclaim of fraud, whistleblower, and violations of the False Claims Act of 31 USC 3730, arising out of or related to the facts and claims in the state court lawsuit, *Absolute Pediatric Services, Inc. d/b/a Absolute Pediatric Therapy and Anthony Christopher v. LaDonna Humphrey, Individually*, in the Circuit Court of Benton County, Arkansas, Case No: 04CV-18-2961; and
2. Any and all claims including claims asserted or unasserted for slander, false light, defamation, tortious interference with business expectancies, and/or any other intentional tort or related claims against Kenneth Medlin, Anthony Christopher, Absolute, Joe Rocko, Wanda Easch, Felicia Ramos, Linnea Heintz, Heather Johnson, and others as the situation evolves.

(“Proposed Offer”). The Proposed Offer does not include the sale of any avoidance,

transfer, or preference actions and such causes of action are not a part of this proposed sale. The Proposed Offer does not include the alleged malpractice action listed on the Amended Schedules at Dkt. No. 30, Question No. 34.

4. The Proposed Offer is the highest and otherwise best offer received to date.

5. Subject to a higher overbid made according to the procedures set out below, the Trustee believes such sale and assignment for the Purchase Price is in the best interests of the bankruptcy estate including for the following reasons:

- a) A \$0.00 exemption has been claimed in these assets and none shall be paid;
- b) A sale and assignment avoids the actual costs and risks of litigation for the estate; and,
- c) it is anticipated such Purchase Price will enable the Trustee to make a distribution to unsecured creditors.

6. Further, 11 U.S.C. § 363 allows a bankruptcy trustee to sell such assets for the benefit of the bankruptcy estate.

7. For these reasons, the Trustee requests that the Court approve this Proposed Offer, or that the Court approve the sale to the highest or otherwise best overbidder if submitted in a subsequent proposed order, and that she be authorized to execute any documents reasonably necessary to transfer or assign such causes of action after Court approval.

NOTICE OF OPPORTUNITY TO OBJECT

NOTICE is hereby given to all creditors and parties in interest of the terms and provisions of the above-stated Motion; any creditor or party who desires to object to said Motion should file a written objection with the Court (United States Bankruptcy Court Clerk, 35 E. Mountain, Room 316, Fayetteville, Arkansas 72701) and serve a copy upon the Trustee within **21 days** from the Date of this Notice stated below.

Objections and other responses, if any, will be set for hearing by subsequent notice by the Court, at the U.S. Bankruptcy Courtroom, 35 E. Mountain Street, Fayetteville, Arkansas. If no objections or responses are filed, all creditors and parties-in-interest will be deemed to have consented to the Motion, and the Trustee will submit a proposed order to the Court granting the Motion, which the Court may enter without further Notice.

DATE OF THIS NOTICE: December 4, 2019

NOTICE OF OPPORTUNITY TO OVERBID

Any party wishing to submit a QUALIFIED overbid, a party must, on or before **December 23, 2019**:

1. Transmit a written offer on the same or better terms in the Trustee's sole opinion for the minimum overbid price of **\$13,500.00** to Bianca Rucker, Trustee, at ruckerlaw@outlook.com.
2. Deposit "earnest money" in the amount of \$2,000.00 made payable to Bianca Rucker, Bankruptcy Trustee for LaDonna Humphrey, which amount shall be forfeitable to the estate if the overbidder is the successful buyer at auction and fails to close for any reason (other than the Trustee cannot obtain Court approval based on other parties' objections).
3. Prior to the auction, provide proof sufficient to the Trustee in her sole opinion of the overbidder's ability to close.

If the Trustee, in her sole opinion, determines an overbid received during this time is Qualified, the Trustee, or her authorized agent, will conduct an auction by telephone on **Monday, December 30, 2019, at 1:00 pm, central time**, in minimum bidding increments of \$1000.00, between the Proposed Buyer and any Qualified Overbidders.

At the conclusion of the auction, the Trustee will name the successful bidder, who shall within fourteen (14) days tender to the Trustee the overbid amount, to be placed in the Trustee's estate account and held pending Court approval of the sale and closing. Also at the conclusion of the auction, the Trustee will submit a proposed order to the Court approving the sale to the offeror herein if there are no qualified overbids, or to the successful bidder at auction.

WHEREFORE, the Trustee respectfully requests that the Court grant the Motion pursuant to 11 U.S.C. § 363, approve the sale and assignment of the subject assets referenced herein to the proposed buyer, or to the successful overbidder at auction, and for all other relief to which she is entitled.

Respectfully submitted,

/s/ Bianca Rucker
Bianca Rucker (2006310)
RUCKER LAW PLLC
One East Center St., Ste. 215
Fayetteville, Arkansas 72701
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(479) 689-7335 (fax)
ruckerlaw@outlook.com
Counsel for Trustee

CERTIFICATE OF SERVICE

I certify that on December 4, 2019, the foregoing Motion was filed with the Clerk of the Court via the CM/ECF filing system which will generate a Notice of Electronic Filing of the above pleading to all registered CM/ECF Filing Users in the above-captioned case, including the debtor's counsel and the U.S. Trustee, and that also on August 29, 2019, a copy was sent by regular, first-class, U.S. Mail to the parties on the debtor's creditor matrix filed with the original of this Motion.

/s/ Bianca Rucker
Bianca Rucker

Label Matrix for local noticing

0861-5
 Case 5:19-bk-72555
 Western District of Arkansas
 Fayetteville
 Tue Dec 3 09:07:23 CST 2019

ADF&A
 Legal Counsel Room 2380
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Absolute Pediatric Services
 Wright Lindsey & Jennings
 3333 Pinnacle Hills Pkwy
 Ste 510
 Rogers, AR 72758-8498

Anthony Christopher
 c/o Wright Lindsey Jennings
 3333 Pinnacle Hills Pkwy
 Ste 510
 Rogers, AR 72758-8498

Bank of America
 4909 Savarese Circle
 F11-908-01-50
 Tampa, FL 33634-2413

Stanley V Bond
 Bond Law Office
 P.O. Box 1893
 Fayetteville, AR 72702-1893

Capital One
 Attn: Bankruptcy
 Po Box 30285
 Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
 4515 N Santa Fe Ave
 Oklahoma City, OK 73118-7901

Charles T. Coleman
 WRIGHT, LINDSEY & JENNINGS LLP
 200 W. Capitol Ave., Ste. 2200
 Little Rock, AR 72201-3627

Collection Service, Inc.
 Attn: Bankruptcy
 Po Box 7545
 Little Rock, AR 72217-7545

Denny Humphrey
 11580 Farrar Rd
 Bentonville, AR 72713-4842

Employment Security Division
 Legal Division
 PO Box 2981
 Little Rock, AR 72203-2981

LaDonna Humphrey
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IRS
 PO Box 7346
 Philadelphia, PA 19101-7346

Ken Bertley DDS
 5417 W Pinnacle Point, Ste 200
 Rogers, AR 72758-8120

Med Data Systems
 Attn: Bankruptcy Dept
 2001 9th Ave Ste 312
 Vero Beach, FL 32960-6413

Miramed Revenue Group
 Attn: Bankruptcy
 360 East 22nd Street
 Lombard, IL 60148-4924

National Recoveries
 2020 S. Oneida Street Suite 20
 Denver, CO 80224-2447

National Recoveries Inc.
 PO Box 120666
 Saint Paul, MN 55112-0022

Northwest Arkansas Pathology
 390 E Longview Street
 Fayetteville, AR 72703-4618

PRA Receivables Management, LLC
 PO Box 41021
 Norfolk, VA 23541-1021

PayPal
 2211 N First St
 San Jose, CA 95131-2021

Pennymac Loan Services
 Correspondence Unit/Bankruptcy
 Po Box 514387
 Los Angeles, CA 90051-4387

Professional Credit Management, Inc.
 Po Box 4037
 500 West Washington Ave
 Jonesboro, AR 72401-2780

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U.S. Department of Education
 Ecmc/Bankruptcy
 Po Box 16408
 Saint Paul, MN 55116-0408

U.S. Trustee (ust) Case# 19-72335 Doc# 461 US Attorney Eastern District
Office Of U. S. Trustee PO Box 1229 US Attorney Western District
200 W Capitol, Ste. 1200 Little Rock, AR 72203-1229 414 Parker Ave.
Little Rock, AR 72201-3618 Fort Smith, AR 72901-1902

World's Foremost Bank
Attn: Bankruptcy
4800 Nw 1st St
Lincoln, NE 68521-4463

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Absolute Pediatric Services, Inc.

End of Label Matrix	
Mailable recipients	33
Bypassed recipients	1
Total	34